



# California Fair Political Practices Commission

July 10, 1991

Diane M. Fishburn  
Olson, Connelly, Hagel, Fong & Leidigh  
300 Capitol Mall, Suite 350  
Sacramento, CA 95814

Re: Your Request for Informal  
Assistance  
Our File No. I-91-325

Dear Ms. Fishburn:

You have requested information concerning the campaign provisions of the Political Reform Act.<sup>1</sup> Your letter does not indicate that you are seeking advice on behalf of a specific, named person. Accordingly, we consider your request to be one for informal assistance pursuant to Regulation 18329(c) (copy enclosed).<sup>2</sup>

## QUESTIONS

1. If an elected state officeholder runs for a county office, where is the original campaign statement for the county office campaign committee filed?

2. If a state "general purpose" or "primarily formed" recipient committee becomes a committee primarily formed to support or oppose a local ballot measure, where is the original campaign statement for the committee filed?

## CONCLUSIONS

1. A campaign statement for the county office committee with an original signature must be filed with both the Secretary of State's office and with the county filing officer.

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<sup>1</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

<sup>2</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

2. Assuming the committee amends its statement of organization (Form 410) to indicate that it has changed its purpose to support or oppose a local ballot measure, the committee must file its campaign statement with an original signature and one copy with the local filing officer for the jurisdiction in which the ballot measure will be voted upon, and two copies with its county of domicile if the committee is primarily formed to support or oppose a county measure in a different county. In addition, the committee should continue filing copies with the Secretary of State's office, Los Angeles County, the City and County of San Francisco, and the committee's county of domicile (state committee filing officers) through the end of the calendar year.

#### ANALYSIS

Subdivisions (a) and (b) of Section 84215 require that the original and one copy of the campaign statements for all elected state officeholders and their controlled committees be filed with the Secretary of State's office. The original and one copy of the campaign statements for candidates for county elective offices and their controlled committees must be filed with the clerk of the county. (Section 84215(d).) Therefore, if an individual is both a state officeholder and a candidate for a county office, original campaign statements for both the state office and county office committees must be filed with the Secretary of State and the county clerk.<sup>3</sup>

Although the Act does not specify where a committee files its original campaign statements if it begins the calendar year as a state committee and then changes its purpose to a committee primarily formed to support or oppose a local ballot measure, it does address the filing obligations of a committee that begins the calendar year as a city or county committee and then becomes a state committee.

Section 84215(g) states:

If a committee is required to file campaign statements required by 84200 or 84200.5 in places designated in subdivisions (d) and (e) (a county or city), it shall continue to file these statements in those places, in

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<sup>3</sup> Except for ballot measure qualification committees and committees primarily formed to support or oppose state ballot measures, all committees controlled by a candidate or officeholder must file campaign statements in the same place(s) and at the same times as the controlling candidate or officeholder. (Barrett Advice Letter, No. A-88-150, copy enclosed.)

Diane Fishburn  
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addition to any other places required by this title, until the end of the calendar year.

Therefore, if a committee begins the calendar year as a city or county committee and then becomes a state committee, the committee must continue to file copies of its statements with the city or county filing officer until the end of the calendar year in addition to filing appropriate campaign statements with the state committee filing officers. Following this reasoning, it seems appropriate that the committee which begins the year as a state committee and then becomes a local committee should continue to file copies with the state committee filing officers until the end of the calendar year. Thereafter, the committee may simply file its campaign statements with the appropriate local filing officer(s).

In the alternative, to avoid unnecessary confusion, the committee may wish to file copies of its amended statement of organization with Los Angeles County, the City and County of San Francisco, and with the committee's county of domicile with a letter explaining the change.

If you have additional questions, please feel free to contact me at (916) 322-5662.

Sincerely,

Scott Hallabrin  
Acting General Counsel

*Carla Wardlaw for*

by: Kevin S. Braaten-Moen  
Political Reform Consultant

Enclosures

Law Offices of  
OLSON, CONNELLY, HAGEL, FONG & LEIDIGH

May 9, 1991

MAY 14 4 01 PM '91

Scott Hallabrin, Esq.  
Acting General Counsel  
FAIR POLITICAL PRACTICES COMMISSION  
P.O. Box 807  
Sacramento, CA 95804

Dear Scott:

I would like your guidance concerning the following campaign filing questions.

1. If an elected state officeholder runs for county office, where should the original statement for the county office campaign committee be filed?

2. If a state "general purpose" or "primarily formed" recipient committee becomes a local "primarily formed" ballot measure committee during the year, where should the original campaign statement for the committee be filed after the change in the committee's purpose?

Thank you for your consideration of this request.

Sincerely,

OLSON, CONNELLY, HAGEL, FONG & LEIDIGH

  
DIANE M. FISHBURN

DMF:deh

Informal

LANCE H. OLSON  
BRUCE J. HAGEL  
LEROY Y. FONG  
ROBERT E. LEIDIGH  
GEORGE M. WATERS  
DIANE M. FISHBURN  
CHRISTIAN A. SPECK

OF COUNSEL  
LLOYD G. CONNELLY, Member  
California State Legislature

June 1991

Diane M. Fishburn  
Olson, Connelly, Hagel, Fong & Leidigh  
300 Capitol Mall, Suite 350  
Sacramento, CA 95814

Re: Your Request for Informal  
Assistance  
Our File No. I-91-273

375

Dear Ms. Fishburn:

You have requested information concerning the campaign provisions of the Political Reform Act.<sup>1</sup> Your letter does not indicate that you are seeking advice on behalf of a ~~person who has duties under the Act~~. Accordingly, we consider your request to be one for informal assistance pursuant to Regulation 18329(c) (copy enclosed).<sup>2</sup>

*specific named person*

#### QUESTIONS

1. If an elected state officeholder runs for a county office, where is the original campaign statement for the county office campaign committee filed?

2. If a state "general purpose" or "primarily formed" recipient committee becomes a committee primarily formed to support or oppose a local ballot measure, where is the original campaign statement for the committee filed?

#### CONCLUSIONS

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2. Assuming the committee amends its statement of organization (Form 410) to indicate that it has changed its purpose to support or oppose a local ballot measure, the committee must file its campaign statement with an original signature and one copy with the local filing officer for the jurisdiction in which the ballot measure will be voted upon, and two copies with its county of domicile if the committee is primarily formed to support or oppose a county measure in a different county. In addition, the committee should continue filing copies with the Secretary of State's office, Los Angeles County, the City and County of San Francisco, and the committee's county of domicile (state committee filing officers) through the end of the calendar year.

*Subdivision (a) and (b) of*

ANALYSIS

*that*  
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Section 84215(g) states:

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<sup>3</sup> Except for ballot measure qualification committees and committees primarily formed to support or oppose state ballot measures, all committees controlled by a candidate or officeholder must file campaign statements in the same place(s) and at the same times as the controlling candidate or officeholder. (Barrett Advice Letter, No. A-88-150, copy enclosed.)

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Therefore, if a committee begins the calendar year as a city or county committee and then becomes a state committee, the committee must continue to file copies of its statements with the city or county filing officer until the end of the calendar year in addition to filing appropriate campaign statements with the state committee filing officers. Following this reasoning, it seems appropriate that the committee which begins the year as a state committee and then becomes a local committee should continue to file copies with the state committee filing officers until the end of the calendar year. Thereafter, the committee may simply file its campaign statements with the appropriate local filing officer(s).

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Sincerely,

Scott Hallabrin  
Acting General Counsel

by: Kevin S. Braaten-Moen  
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